

REMARKS

Applicants respectfully requests reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully request that the Examiner withdraw all rejections. Claims 1, 3-11, 15, 16, 19, 20, 23 and 25-33 have been amended. No claims have been canceled. No claims have been added. Thus, claims 1 and 3-33 are pending.

35 U.S.C. §102 Rejections

35 U.S.C. §102(e) rejection over *Xu*

The Office Action rejects claims 1 and 23-24 under 35 U.S.C. §102(e) as being anticipated by Xu et al., US PG Pub. 20030026211 (*Xu*). The Office Action alleges that *Xu* discloses, *inter alia*, receiving a policy specifying user preferences provided by a user at the network node. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference, wherein the identical invention is shown in as complete detail as is contained in the claim. *See* M.P.E.P. §2131. For at least the following reasons, Applicants traverse the above rejection.

Claim 1 is amended herein to state in a salient portion (emphasis added):

“...storing at the network node a policy specifying user preferences of a **user at the network node**;

selecting **at the network node** one of a plurality of interfaces, each interface for the network node **to communicate with a network**, the selecting by matching the user preferences to the monitored interface characteristic...”

Claim 23 recites similar claim limitations. Applicants respectfully submit that *Xu* fails to anticipate each of claims 1 and 23-24 based at least on a failure of the reference to teach one or more limitations recited variously in independent claims 1 and 23. More particularly, *Xu* does not disclose preferences of **the user at the network node** which are **stored at the network node** and used **to select at the network node** one of a plurality of interfaces, each

interface for the network node **to communicate with a network**, as variously recited in Applicants' claims.

Xu describes a method for sending a data packet to a mobile node (MN) from a correspondent node (MCN) via a multi-bearer network, or MBN, which provides at least one interface unit (IU) to each of multiple alternative bearer networks (BN) between the MBN and the mobile node. *See* Abstract. The **failure** of *Xu* to anticipate Applicants' claimed invention is demonstrated in paragraph [0006], which states (emphasis added):

"[0006] In order to save the battery of a portable mobile node, it is preferable that the mobile node only monitors one bearer type (network) at a time. For example, the subscriber data related to the mobile node can include a default bearer type, such as GSM or UMTS. The mobile node should be paged on this bearer. The **mobile node can be ordered to monitor** the selected bearer type by **sending a modified page message** which indicates the selected bearer type, channel, possible decryption data, etc. Alternatively, such information **can be sent in a separate message**, such as a short message, USSD, (Unstructured Supplementary Service Data), data call or the like."

Therefore, for a mobile node MN to communicate with the multi-bearer network MBN, *Xu* discloses the mobile node MN **receiving orders** as to which bearer type to use in such communication. These orders are disclosed in *Xu* as coming from the traffic distribution unit TDU, a component of the visitor administration system VAS of the MBN which selects an optimal bearer for network traffic of the mobile node. *See* paragraphs [0025] and [0034]. Paragraph [0021] of *Xu* states (emphasis added):

"...For the **span 12 between the VAS and the MN**, the VAS has several alternative bearers. According to an embodiment of the invention, **the VAS considers all of the following**: 1) the quality-of-service requirement (the traffic class) of the data packet in question, 2) the mobility data related to the mobile node (i.e., which bearers and which interface units can be used to reach the MN), 3) the traffic load/resource availability data related to the multiple bearers, and 4) **bearer preference information**. The optimal bearer selection and the internal structure of the VAS will be described later in more detail."

Applicants submit that the reference **fails** to describe a **storing at the mobile node** any bearer preferences of the user at the mobile node. Paragraph [0026] describes this information being collected by the VAS structure. At the very least, any **storing** of bearer

preferences at the mobile node is **not** described in sufficient detail to anticipate the claims, per the requirement for anticipation described in M.P.E.P. §2131. Furthermore, rather than selecting **at** the mobile node an optimal bearer for the mobile node to access a network, *Xu* describes the VAS structure of the MBN selecting of the optimal bearer, and **sending** that selection to the mobile node. Even assuming all other claim limitations were anticipated by *Xu*, which Applicants do not agree, *Xu* discloses elements in **opposition** to at least one element variously recited in the claim limitations – e.g. selecting **at the network node** one of a plurality of interfaces, each interface for the network node **to communicate with a network**.

For at least the foregoing reasons, Applicants submit that the *Xu* fails to disclose at least one limitation in each of currently amended independent claims 1 and 23. In depending from claim 23, claim 24 incorporates at least one limitation which is not taught by *Xu*. Therefore, Applicants request that the above 35 U.S.C. §102(e) rejection of claims 1, 23 and 24 based on *Xu* be withdrawn.

35 U.S.C. §103(a) Rejections

35 U.S.C. §103(a) rejection over *Xu* and *Nakamura*

The Office Action rejected claims 3-5 and 25-27 under 35 U.S.C. §103(a) as being unpatentable over *Xu* according to the previous rejections of claims 1, 23 and 24, and further in view of *Nakamura et al.*, USPN 6,553,031 (*Nakamura*). The Office Action alleges that *Nakamura* further anticipates other limitations of the dependent claims by disclosing a routing table having a plurality of entries each associated with an entry priority. For at least the following reasons, Applicants traverse the above rejection.

As discussed above regarding the 35 U.S.C. §102 rejection of claims 1, 23 and 24, *Xu* fails to disclose the variously recited claim limitation of **storing at the network node** a policy specifying user preferences of a user at the network node, and **selecting at the network node** one of a plurality of interfaces, each interface for the network node **to communicate with a network**, the selecting by matching the user preferences to a monitored

interface characteristic. In rejecting the above claims, the Office Action does not contend that any combination of *Xu* and *Nakamura* teaches or suggests this limitation. Applicants submit that no combination of *Xu* and *Nakamura* teaches or suggests storing at the network node a policy specifying user preferences of a user at the network node, and selecting at the network node one of a plurality of interfaces, each interface for the network node to communicate with a network, the selecting by matching the user preferences to a monitored interface characteristic. Accordingly, each of claims 3-5 and 25-27 incorporate at least one limitation which is non-obvious in light of the references. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 3-5 and 25-27 based on *Xu* and *Nakamura* be withdrawn.

35 U.S.C. §103(a) rejection over *Xu* and *Lindell*

The Office Action rejected claims 6-11 and 28-33 under 35 U.S.C. §103(a) as being unpatentable over *Xu* according to the previous rejections of claims 1, 3-5, and 25-27 and further in view of *Lindell*, US PG Pub. 20020039892 (*Lindell*). The Office Action contends that *Lindell* further anticipates other limitations of the dependent claims by allegedly disclosing an expression of user preferences in terms of interfacing elements' cost, battery consumption, signal strength, latency value, etc. For at least the following reasons, Applicants traverse the above rejection.

As discussed above regarding the rejections of claims 1, 3-5, and 25-27, *Xu* fails to disclose the variously recited claim limitation of storing at the network node a policy specifying user preferences of a user at the network node, and selecting at the network node one of a plurality of interfaces, each interface for the network node to communicate with a network, the selecting by matching the user preferences to a monitored interface characteristic. In rejecting the above claims, the Office Action does not contend that any combination of *Xu* and *Lindell* teaches or suggests this limitation. Applicants submit that no combination of *Xu* and *Lindell* teaches or suggests storing at the network node a policy specifying user preferences of a user at the network node, and selecting at the network node one of a plurality of interfaces, each interface for the network node to communicate with a

network, the selecting by matching the user preferences to a monitored interface characteristic. Accordingly, each of claims 6-11 and 28-33 incorporate at least one limitation which is non-obvious in light of the references. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 6-11 and 28-33 based on *Xu* and *Lindell* be withdrawn.

35 U.S.C. §103(a) rejection over *Xu*

The Office Action rejected claims 12-22 under 35 U.S.C. §103(a) as being unpatentable over *Xu* according to the rejections of claims 1, 3-11 and 23-33. The Office Action notes that *Xu* fails to disclose a user interface, a policy manager and a link monitor, as variously recited in the claims. However, these limitations are alleged to be obvious in light of the disclosure in *Xu*. For at least the following reasons, Applicants traverse the above rejection

Without agreeing with the above assertion that the user interface, policy manager and link monitor variously recited in the claims would be obvious in light of *Xu*, Applicants simply note the above argument, presented in response to the previous rejection of claims 1, 3-11 and 23-33. Applicants again assert that *Xu* fails to teach or suggest at least one limitation of claim 1 – i.e. **storing at the network node** a policy specifying user preferences of a **user at the network node** and selecting **at the network node** one of a plurality of interfaces, each interface for the network node to communicate with a network, the selecting by matching the user preferences to the monitored interface characteristic. Currently amended claim 15 recites in a salient portion (emphasis added):

“...a policy manager component **at the network node** operable to...

store the user preferences,...

derive a set of network characteristics ...,

select for the network node an **interface to communicate with a network** from the plurality of interfaces by matching the user preferences to the set of network characteristics...”

As noted above, *Xu* discloses a VAS structure of a multi-bearer network selecting an optimal bearer for a mobile node, and sending that selection as an order to the mobile node to use

said optimal bearer. Therefore, *Xu* **fails** to disclose a policy manager **at the user node** to store user preferences and **to select for the network node** an interface to communicate with a network by matching the user preferences to the set of network characteristics, as recited in claim 15. Each of rejected claims 12-22 depend directly or indirectly from one of currently amended independent claims 1 and 15, and therefore incorporate at least one limitation not taught or suggested in *Xu*. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 12-22 be withdrawn.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the objections and rejections have been overcome. Therefore, claims 1 and 3-33 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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